

REMARKS

Reconsideration of the application is requested.

Applicant acknowledges the Examiner's confirmation of receipt of applicant's certified copy of the priority document for the German Patent Application 100 21 499.1, filed May 3, 2000 supporting the claim for priority under 35 U.S.C. § 119.

Claims 1-7 remain in the application. Claims 1-17 are subject to examination. Claims 1-3 have been amended.

In item 3 on pages 2-4 of the above-identified Office Action, claims 1-5, 7 and 9-17 have been rejected as being fully anticipated by U.S. Patent No. 6,708,209 to Ebata et al. (hereinafter Ebata) under 35 U.S.C. § 102.

The rejection has been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 3, lines 7-8 and on page 4, lines 11-14 of the specification of the instant application.

Ebata discloses a network system in which a quality-guaranteed path will be calculated and set for intra-network and inter-network communication. In that system the

different networks or organizations are identified by organization ID's (see the abstract and column 4, lines 46--52).

This differs from amended claim 1 of the instant application by requiring the use of an organization ID to identify a subregion of a network. In contrast, the method according to claim 1 of the instant application uses an item of address or dialing information to identify a subregion. The address information can be a part of an IP address or the dialing information can be a part of a telephone number where this part is common for all terminals located in the subregion. This is advantageous because the source and the destination subregions can easily be determined by extracting the address or dialing information from the known IP address or telephone number of the source and destination terminals respectively. No mapping between IP addresses of the terminals and an ID of the subregions is necessary. Also no database to store the mapping is needed. Therefore no administrative efforts to maintain such a database are necessary.

With the knowledge of Ebata, a person of ordinary skill in the art cannot anticipate to use an item of address or dialing information to identify the subregions. Ebata does not disclose that the subregion of a source terminal needs to

be determined because a policy server is assigned to each subregion (see Fig. 1). So the policy server can imply that the source terminal is part of its own subregion. Additionally, Ebata discloses a path-to-other-organization use decision processing to determine in which subregion the destination terminal is located (see column 13, lines 21-30) but does not provide any information that could lead a person of average skill in the art to use an item of address or dialing information to determine the subregion of the destination terminal.

In contrast to the interpretation of Examiner regarding claim 2 of the instant application, Ebata column 4, line 63 to column 5, line 6 does not disclose that a quality of service of the connections in at least one of the subregions is assured for at least one other of the subregions. It is respectfully believed that Ebata only discloses intra-organization resource allocation and a resource allocation for a path to another organization, but this does not mean that a policy server for other organization is not necessary. The policy server is still needed for intra-organization resource allocation in that organization and for inter-organization resource allocation if the source terminal is located in that organization. In contrast to that, claim 2 allows to use only one quality of service assuring unit for

several subregions (see page 6, lines 1-10 of the instant application).

With regards to the term "user group" recited in claim 3 of the instant application, Ebata only discloses that a policy is set for a user group (col. 13, lines 6-8). But no indication can be found that the user group information can either have an item of address information or dialing information.

In regards to claim 4 of the instant application, Ebata does not provide any information that would lead a person of average skill in the art to subdivide the subregions into further subranges.

In item 5 on pages 4-5 of the above-identified Office Action, claims 6 and 8 have been rejected as being obvious over Ebata in view of U.S. Patent No. 6,708,209 to Li et al. (hereinafter Li) under 35 U.S.C. § 103.

Claims 6 and 8 ultimately depend on amended claim 1. Amended claim 1 is believed to be allowable and therefore claims 6 and 8 are also believed to be allowable.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-17 are solicited.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

For Applicant

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